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HEW Memo Hits Rapid Growth of Heart, Cancer Funds

Charles C. Edwards, assistant secretary of health in HEW, has proposed a $149 million increase in funds for biomedical research in fiscal 1975, of which $50 million would go for heart research, $25 million for cancer, and the remaining $74 million for all other research at the National Institutes of Health. But at the same time Edwards has issued a warning that cancer and heart research may be growing at a rate detrimental to the total biomedical research mission.

These sentiments are revealed in an internal HEW planning memorandum which was leaked to Sen. Edward M. Kennedy (D-Mass.) and published in the *Congressional Record* July 24. The memo is unsigned, undated, and written in cryptic bureaucratese. But internal evidence indicates it was prepared by the Office of the Assistant Secretary for Planning and Evaluation to assist HEW Secretary Caspar Weinberger in determining a budget for fiscal 1975, which starts on July 1, 1974.

Much of the memorandum is devoted to commentary on another internal HEW document—a comprehensive forward plan for HEW's five health agencies which was prepared by Edward's office. Neither document represents a final budget plan, but the unexpected surfacing of the planning memorandum provides an unusual opportunity to discern the thinking of high administration officials who will be helping to shape the health research budgets in coming years.

The memorandum states that "perhaps the outstanding issue involving biomedical research" is the "problem of program balance." It reveals that Edwards has posed the issue as follows: Should cancer and heart programs continue to receive an increasing share of NIH biomedical research funds? And it notes that Edwards' answer, based on

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Boost for Energy R&D? Promised but Undelivered

New funds for energy research can now be included in the lengthy Nixonian saga of promises loudly proclaimed but quietly unfulfilled.

In the R&D section of his June 29 Energy Message, Nixon announced a $10-billion, 5-year energy R&D program, adding, "To give impetus to this drive, I am directing that an additional $100 million in fiscal 1974 (the current year) be devoted to the acceleration of certain existing projects and the initiation of new projects in a number of critical research and development areas."

On August 1, when the Interior Department appropriations bill was under debate, Sen. Alan Bible made reference to the $100-million pledge, observing, "No budget amendment has been forthcoming to this moment, however, and the (Interior Appropriations) committee acted on priorities it developed during hearings to put together its recommendations . . . (B)udget estimates and hearings with expert witnesses are needed before we go further."

An SGR inquiry to the White House National Energy Office brought an acknowledgement that a request for the $100 million had not been sent to the Congress, but no explanation was offered.

In Brief

Defense research officials used to stoutly maintain that anti-war sentiments in the scientific and academic communities were having no effects on their recruiting of scientists and engineers. But in his parting testimony to the House Armed Services Committee, retiring DoD research chief John S. Foster Jr. conceded, "There is a real and continuing loss of new young engineers and scientists who no longer find attractive the prospects of dedicating their talents and causes to national defense."

Foster also gave low marks to the electronics industry, contending, "In my view, no area is generally managed as poorly as the electronics area. The reason is that it is the most revolutionary area of all our technologies. It is so revolutionary that management people two or three or four levels up cannot keep pace with what is going on. They are technologically old. They are missing opportunities. They are not equipped to make good judgments."

The latest top official to resign from the troubled NIH campus is Thomas C. Chalmers, director of the Clinical Center, who is taking the presidency of the Mt. Sinai Medical Center.

Former Eisenhower science adviser George B. Kistiakowsky, professor emeritus of chemistry at Harvard and recently retired as vice president of the National Academy of Sciences, has been appointed a visiting scholar at MIT's Center for International Studies.

New Grant System Eyed to Put Pressure on Medical Schools

Top HEW planners have recommended using capitation grants to exert "federal leverage" on medical, dental and osteopathic schools to initiate programs that "respond to societal objectives."

The recommendation was made by the Office of the HEW Assistant Secretary for Planning and Evaluation in an internal memorandum that surfaced unexpectedly last month.

The planners suggested that capitation grants should be cut sharply "from the present $2,000 per student to $1,200 per student in and after 1977" because the high projected earnings of doctors and dentists makes it "feasible to shift a greater portion of the cost-sharing to the students." But they opposed total elimination of capitation support for several reasons, including a fear that "political confrontation with the medical establishment" would "cast the administration in an anti-health role," and a desire to retain "some federal leverage" over the health schools.

That leverage would be used to slow the increase in medical school enrollments (the planners conclude that the "alleged" doctor shortage has been relieved by the recent rapid expansion of medical school capacity) and to alleviate the maldistribution of physicians.

The planners suggest that, to be eligible for capitation support, a school should agree to:

—Maintain fiscal year 1974 enrollment levels, unless directed otherwise.

—Reserve ten-percent of student places (or those places increased in accord with 1971 capitation requirements) for students who morally commit themselves to practice medicine for underserved populations.

—Provide interdisciplinary team training, particularly using "physician extenders" as mid-level medical workers to assist physicians in rural areas.

—Expand primary care training programs, emphasizing outpatient clinical services, to improve the availability of medical care in underserved areas.

The planners also suggest that institutional support might be tied to the specialty composition of graduated students, and that special project money might be made available to schools that take students from states which lack adequate health training facilities. They recommend retention of "financial distress" grants for impoverished schools, conditioned upon "a reasonable level of tuition."

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"reason and good judgment," is "No."

However, the planning office appears less certain. Its memorandum notes that "reasonable men differ as to what constitutes good judgment." And it suggests that by some criteria—such as the social cost of the disease toward which research is directed—one could argue that heart research should get as much as $926 million *more* than Edwards has proposed.

In the end, the planning office avoids judging the issue. It simply deplores "the absence of clearly articulated criteria" for determining imbalance, and it recommends that Edwards' office initiate a "biomedical research priority-setting process" which would consider such factors as the readiness of research areas, the societal significance of health problems, the possible indirect benefits to other areas of research, and the likely social costs of using the knowledge gained through research. The planners suggest that such a process could be implemented within 12 to 18 months after a decision is made to proceed, a conclusion that may be a bit optimistic in view of the scientific community's long-standing reluctance to grapple with the touchy priorities issue.

The chief new program proposed by Edwards for fiscal 1975 is a $25 million "primary care initiative" which would use grants to help hospital outpatient departments in underserved areas convert from crisis-oriented care to a health maintenance approach for their communities. The planning office strongly endorsed this initiative but urged that consideration be given to alternatives to hospital-based care.

Other major changes in the health budget proposed by Edwards for fiscal 1975 include:

—A decrease in the total budget for health agencies in HEW from $4.9 billion in 1974 to $4.3 billion in 1975, primarily reflecting the administration's desire to stop funding community mental health centers, a move which is certain to be resisted by Congress.

—A decrease of $45 million for research training at NIH, continuing the downward trend of recent years.

— A decrease of $200 per student in capitation payments to schools of medicine, osteopathy and dentistry (see related story this page).

—Elimination of the lead-based paint poisoning and rodent control programs of the Center for Disease Control, a $19-million reduction.

The figures are subject to modification by HEW and OMB before they become part of the administration's 1975 budget proposal.

"Technological Protectionism"--- Still Drawing Glances

A couple of new hints have recently surfaced concerning the Nixon administration's growing attention to the officially abhorred concept of "technological protectionism," shorthand for regulating the sale of US industrial know-how to foreign competitors, particularly those with lower production costs. (SGR Vol. II, No. 12.)

Thus, on July 17, NSF Director H. Guyford Stever told the House Science and Astronautics Committee that "in the emerging advanced technology markets in Europe and Asia," US firms "are faced with an interesting and critical problem. They must be willing to share US technology to gain access to the market. However, they must not lose their competitive edge."

Stever added, "The question of international transfer of technology is complicated by the requirement to maintain the free exchange of ideas, which is so essential to the world's basic science endeavors."

The NSF Director didn't elaborate on the subject, nor was he asked to, apparently because the main subject of the hearing was the demise of the White House Office of Science and Technology. But he did say that the subject was being studied by NSF's National R&D Assessment Program and the new Science and Technology Policy Office, which he has established to provide him with staff support for his duties as Science Advisor.

The subject also came up at the recent annual assemblage, in Washington this year, of the 20 or so science attaches posted at major US embassies throughout the world. According to an account of the meeting in *International Science Notes*, published by the State Department's Bureau of International Scientific and Technological Affairs, "Most apparent was the trend to matters of technology rather than science as subjects for professional attention. Twelve years ago, when the Department introduced a scientific office as such, the exchange of scientific information and research and the interplay of scientific knowledge fostered a collaboration desirable in itself for achieving international understanding as well as tangible scientific results.

"Although such activity continues today, the greater concern now recognizes a technological nationalism in the world: how are we, for example, to ensure our legitimate trading interests in the area of atomic energy and enriched uranium fuels, an area of US leadership, yet deal fairly with our international neighbors' needs for energy and their efforts to improve local and regional capabilities? . . . . Can we resolve the sovereignty problems inherent in remote sensing and communications satellites? Are there formulae for transferring technologies to the less developed nations which will stimulate the general progress and not disrupt the American economy? These are the questions of the moment which must be analyzed and answered and against which scientific exchange must be measured."

Though officially disavowed as in conflict with the US commitment to the lowering of trade barriers, technological protectionism has acquired a durable fascination among some of the administration's economic planners. Two years ago, as foreign high-technology products were biting into US foreign and domestic markets, a high-level, interagency committee was established to survey the subject. Chaired from the Treasury Department, it eventually pulled together the views of various government agencies, but then Nixon's post-election decimation of the federal bureaucracy sent many of its members packing, and no one was left to push for further action on the report.

However, the idea of barring the export of valuable US know-how is not quite as unthinkable as some contend it to be. It's already done, of course, in connection with items considered to be of national security significance. But the military justification has, on occasion, been extended to ambiguous cases—as it was in the denial, which was eventually reversed, of new GE jet engines which were sought by European commercial aircraft manufacturers. And last year, when Edward E. David Jr., then Nixon's science adviser, returned from a visit to Japan, he expressed a good deal of interest in Japanese dependence on US technology for their big export industries.

If we can cut off their soybeans without notice, there's no reason we can't do the same with solid state physics.

International Cooperation

"We also recognize . . . the importance of carrying forward the US-USSR program of cooperation in science and technology."

John C. Sawhill, Office of Management and Budget, associate director for Natural Resources, Energy, and Science, testimony July 17 to the House Science and Astronautics Committee.

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By order of the US Department of Commerce, export privileges of an Austrian firm, Omnitronic Elektronische, have been suspended because "it caused a strategic neutron generator to be shipped to a fictitious consignee in Ankara, Turkey." The equipment, valued at about $9500, was eventually "shipped to USSR, a destination that was not authorized."

Notice in the Federal Register, *August 1.*

House Holds Inquest on White House Science Office

In accord with the coroner system, which subjects any unattended death to public inquest, the House Science and Astronautics Committee has commenced a formal inquiry into the demise of the White House Office of Science and Technology (OST).

The opening phase of what is planned to be a three-part hearing commenced July 17, with no more than a touch of mourning in evidence, desultory questioning, and indications that the eventual verdict will be that the perpetrator may have been unwise, but he was within his presidential rights when he decreed OST out of existence, effective last July 1.

Though not intended as such, an epitaph was provided by one of the sager observers of science and government relations, William D. Carey, a non-scientist alumnus of the Bureau of the Budget who is currently a vice president of Arthur D. Little, Inc.

Arguing that the presidency would be better off with science advice built into the White House staff, Carey explained, however, that "I thought it useless to bar the door to the reorganization once it came to the Congress. This may sound like a contradiction," he acknowledged, "But from my experience in doing staff work for five Presidents, I know there is nothing to be gained by forcing advisory arrangements on a White House that doesn't want them pretty badly.

"The advice has nowhere to go, and the adviser is frozen out. There is a futility to keeping candles lighted in an empty church. More than that, there is actual harm done by keeping up an outward illusion of clout and policy influence when, in fact, there is neither. I think the air is much clearer for all concerned to know where science and technology stand in relation to the operations of the White House. The President has to be the judge of the kind of staff he wants around, and it has always been this way."

To the limited extent that there was spirited questioning, it was directed at NSF Director H. Guyford Stever, who inherits most of the OST debris in his newly designated dual role of Science Advisor. (Originally, he was to be Science Advisor to no one in particular, but in an apparent effort to add some prestige to this jerry-built arrangement, Nixon last month designated Stever as his own Science Advisor.)

In response to questions that have varied little since the reorganization was announced in January, Stever conceded that he was being cast in the dual roles of running a government research agency while advising the Chief Executive and his staff on government-wide research programs, including those of his own agency. He said he thought he could handle the job, which produced some grumbling on the part of committee members, but then, of course, it's too early in the game to contend that he can't.

In response to a question, he said that since "late February or early March," he had seen the President for "half an hour on international exchange and two much shorter conversations," but he felt confident that he could see the President whenever he felt it was necessary. Stever explained, however, that the route he would take would be through the President's domestic affairs chief, Treasury Secretary George P. Shultz, adding the "hope that, if I felt that we should go to see the President, that he (Shultz) would go with me."

Well, that isn't the scenario for an administrative tiger stomping into the President's office, but with what's been learned of late about how Nixon operates his shop, it's probably about all that can be hoped for in the obscure and politically profitless field of science policy. The committee members didn't choose to quibble.

Stever, who was innocently catapulted into his anomalous dual role when Nixon's inner crowd hesitated in carrying out its original plan to wipe out OST and leave the matter there, has actually become quite deft at fielding the barbs of skeptics.

When Committee Chairman Olin D. Teague (D-Texas) said that he trusted Stever's organization but that "I would hesitate to judge the faith that

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"Sliding Towards Technological Mediocrity"

"What troubles me is a sense that in public policy terms we have no across-the-board approach to leveraging science and technology, that we are still going about it in a disassembled way, in a reactive rather than strategic manner. I think we are going to pay for this by sliding towards technological mediocrity. Some of the indicators of technological slack are beginning to be seen: long lead times in introducing new products and processes; the appearance of new barriers to innovation; industrial emphasis upon defensive R&D; slow responses to foreign invasion of the domestic market; postponement of technological risk-taking because of regulatory uncertainties; and an excess of technological manpower relative to demand."

William D. Carey, veteran overseer of scientific and technological affairs at the Bureau of the Budget, currently vice president, Arthur D. Little, Inc., in testimony July 24 to the House Science and Astronautics Committee.

"User Charges" Studied to Raise Funds for FDA

The Nixon administration is contemplating a system of "user charges" that would be imposed on industry to raise additional revenues for the chronically underfunded Food and Drug Administration.

An internal HEW planning document indicates that the assistant secretary for health's office has recommended a budget increase of $31.4 million, about 19 per cent, for FDA in fiscal 1975, with top priority assigned to the medical device program and the Center for Toxicological Research. The increase does not incorporate user charges.

But the planning document warns that "even that increase will provide only a fraction of the funds which could profitably be used." It describes FDA as "consistently underfunded in terms of its legislated responsibilities and expanding scope of work. Food processing plants, for example, are still being inspected only once every seven years."

The planners suggest as "another option for consideration" that user charges might pay some of the costs of such FDA regulatory activities as the filing of new drug applications and inspection of food plants. Similarly, charges might be made for the licensing of interstate laboratories by the Center for Disease Control.

OMB has already requested, in a letter of January 25 to HEW, that "a legislative proposal . . . be prepared under which the costs of FDA regulatory activities that benefit industries will be paid for by those same industries." But the HEW Assistant Secretary for Health has opposed such charges.

The planning office takes no firm position. It suggests that the analytical approach used by the Assistant Secretary for Health's office "tends to magnify the difficulties and minimize the advantages of user charges." And it notes that the chief argument *for* user charges is that, since regulation is a necessary part of doing business, it should be supported by the affected industries, while the chief argument *against* is that, since regulation is chiefly to protect the public, the public should bear the costs. Most industries don't take kindly to regulation and would presumably oppose such charges.

The planners recommend that the health office revise its analytical approach and prepare a new paper for secretarial decision by September 30.

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we have in OMB's (Office of Management and Budget)," Stever replied: "We have found that we can work very well with them."

Rep. James Symington (D-Mo.) cut in with, "You talk about the members of the Bureau (OMB) on the firing line. I take it you consider yourself up against the wall and they're drawing a bead on you."

Stever: That isn't quite the way I meant it, sir. There are lots of different kinds of firing lines.

Symington: Sometimes we think of our projects being blindfolded and lined up.

Rep. Ken Hechler (D-W. Va.) then observed that the previous science adviser to the President held the title of presidential assistant, whereas under the new setup, the adviser was relatively low in the federal hierarchy.

Suppose you were called by the head of NASA and an assistant to the President, Hechler asked, wouldn't you pay more attention to the White House caller?

Stever: I'm tempted to say it would depend on which assistant to the President called me.

The last head of OST, Edward E. David Jr., told the committee that he admires Stever, and had helped recruit him for the NSF directorship, but though apparently inhibited by the delicacies involved in criticizing a reorganization that had shot OST out from under him, David said, ". . . trying to be as realistic as possible, I see the arrangement in NSF as unstable"—and he proceeded to recount the problems inherent in Stever's two-hatted role.

In response to a question from Rep. Hechler, David said that OST had a hand in Nixon's decision to convert the Army's biological warfare laboratories at Ft. Detrick, Md., to cancer research, but that since military affairs were normally outside of Stever's advisory jurisdiction, he doubted that the new setup could have performed as well in that episode. There is "an advantage in having the national security part integrated with the rest of the science and technology apparatus," David said.

Regarding Secretary Shultz' role in scientific and technological matters, David said that he also admires Shultz, but "I think that a person who has not participated directly in the innovative process involving science and engineering is less likely to be able to make good judgments than someone who has."

As an example of the sort of person he has in mind, he cited David Packard, the electronics industrialist who served as deputy secretary of Defense in Nixon's first administration. Packard, he said, has "the broad competence."

Finally, of Science Advisor Stever, former Science Advisor David said, "To put it in political terms, the amount of clout he has got remains to be seen."

With Nixon and his newly installed White House crew huddling beneath the interminable Watergate barrage, and the dollar falling while food prices soar, it is doubtful that Stever will be afforded many opportunities to demonstrate clout—even if Secretary Shultz accompanies him into the president's office.—DSG.

Administration Disowns Heart Plan as Too Expensive

The much-delayed national heart plan, a blueprint for research to combat heart, blood vessel, lung and blood diseases, was submitted to Congress late last month but was immediately disowned by the Nixon administration as too costly.

The plan was prepared by the National Heart and Lung Institute (NHLI) in accord with legislation enacted by Congress last September. It calls for allocations of $311 million in fiscal year 1974, the current year, which is $46 million more than the Nixon administration has proposed for NHLI this year.

The plan was supposed to be completed by late March—within 180 days after passage last September 19 of the National Heart, Blood Vessel, Lung and Blood Act. But the complex proposal, which fills ten separate bound volumes, was not completed until May, at which time HEW officials, unhappy at the spending recommendations, sat on it until late July, when restiveness in Congress and the press brought about its release.

In transmitting the plan to Congress, HEW Under Secretary Frank Carlucci stressed that "the report has not been fully reviewed within the Executive Branch." He complained that "it does not reflect a consideration and development of priorities among all of our research objectives but is limited to those within the scope of the National Heart and Lung Institute," a narrowness of perspective which he deemed a "failure."

That was an odd criticism to throw at the heart planners, in view of the fact that they were neither required nor qualified to survey the entire field of biomedical research. But Carlucci's disavowal of the report reflects the administration's not-altogether-unwarranted belief that specialists who draw up plans affecting their own disciplines inevitably turn into special pleaders.

As it turned out, the heart program proposed by NHLI was more restrained than similar plans proposed by two other high-level advisory groups. The National Heart and Lung Advisory Council, a group of medical experts and laymen which includes singer Frank Sinatra, submitted its recommendations as a separate volume of the detailed plan. It proposed 1974 expenditures of $422 million, $111 million higher than the NHLI recommendation. And it recommended a five-year program totaling $2.6 billion, whereas the NHLI long-range program called for allocations of $1.9 billion in the first five years.

Similarly, the President's Advisory Panel on Heart Disease, chaired by educator John S. Millis, submitted its report to the White House last September. The Millis report has never been released because, as one HEW official explained it, "we weren't prepared to accept the recommendations. They threw in everything but the kitchen sink. If you cost it out, it would have eaten up the entire federal budget to mount the enormous program they recommended."

Viewed against this background, and against the rapid growth of the national cancer program, which is budgeted at $500 million for 1974 and insatiably demanding even more, the NHLI's heart-lung proposals seem relatively moderate. One top NIH science administrator told SGR that it is a "fairly reasonable plan" which would "not draw

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Weinberger Lashes Out At Budgetary Critic

"Gentlemen, it may sound dramatic to say so, but today lights are going out in laboratories in many parts of America."

That extravagant appraisal of the impact of the Nixon administration's cuts in training grant programs was presented in Congressional testimony last March by Arthur Kornberg, the Stanford Nobelist. It obviously rankled, for this month HEW Secretary Caspar Weinberger, without mentioning Kornberg by name, characterized the remarks as "absurd demogogic rhetoric."

The immediate cause for Weinberger's displeasure was the appearance of Rep. Paul Rogers (D-Fla.) on NBC-TV's "The Today Show" on July 30. Rogers, who chairs the House health subcommittee which received Kornberg's testimony, made a broad attack on the administration's failure to spend adequately on health research, training, and services. At one point, he noted with satisfaction that HEW had been forced to release additional training funds "because we had Nobel laureates coming in there saying the laboratories in this country were having to turn out their lights."

Weinberger was so exasperated at Rogers' comments that he demanded, and got, a chance to rebut on the August 1 Today show. "We're spending almost $22 billion on health, which is three and a half billion dollars more than last year," he said. "And when people talk about 'gutting' research budgets and having the lights go out in the laboratories all over the country, it's just part of this inflated, blown-up rhetoric that seems to infect this town when any of these matters are discussed. Nobody seems to be able to discuss them reasonably or in any kind of a moderate tone."

To which one Washington wit replied that Weinberger had probably misunderstood the significance of Kornberg's testimony. If the lights are going out, he suggested, it's most likely because the scientists are leaving early for long weekends.

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off resources" from other areas of biomedical research unless the administration deliberately cuts back non-heart expenditures to support the heart-lung program.

The proposal was developed under the direction of Theodore Cooper, NHLI director, with advice from some 300 panelists from universities, medical schools, hospitals and other institutions and commentary from an interagency technical committee and various non-governmental organizations as well. It surveys the state of knowledge concerning the diseases it covers and sets forth a strategy for research, prevention, control and education.

The document tries to avoid raising apprehensions that a handful of bureaucrats will be dictating the nation's heart-lung research efforts. The still-unreleased national cancer plan had been severely criticized by academic scientists who charged that it relied too heavily on centralized planning that would ensure "bureaucratic rigidity" and stifle the development of new ideas. But the heart plan recommends a mix of targeted research in areas—such as coronary heart disease—where substantial knowledge is already in hand, plus investigator-initiated research in areas—such as atherosclerosis, the underlying cause of most heart attacks—where the basic causes are unknown and no effective treatment or control measures exist. "Our plan is not so detailed or streamlined that we're going to tell the research guys what to do," Cooper told SGR.

The NHLI plan calls for the creation of five new research and demonstration centers in fiscal 1974 and five more in 1975, with federal funding to start at about $1 million for each center and rise to $3 million in three years. The total is considerably less than the 30 centers authorized in the legislation.

Both the National Advisory Council and the Millis panel had recommended that the NHLI be given $10 million a year to establish a cardiovascular research professorship in every medical school in the country, and another $10 million (Millis) or $15 million (Advisory Council) to support professorial research groups, each consisting of several investigators. But the NHLI plan, in an effort to be "practical," as Cooper put it, simply said that, if manpower needs can't be met through existing mechanisms, the Institute will recommend "appropriate changes."

The administration is obviously cool to the NHLI recommendations. But the appropriations committees in Congress are scanning copies for possible input to the fiscal 1974 appropriations bills for biomedical research now under consideration.—P.M.B.

High-Vacuum Reports

From, **Youth: Transition to Adulthood,** *newly issued report of the Panel on Youth of the President's Science Advisory Committee.*

What are the psychosocial attributes of adolescents and youth in our society? Those most frequently cited in the developmental literature from psychology, psychiatry, sociology, anthropology, education, and pediatrics may be grouped into the following categories: a high level of cognitive abilities and rapid and efficient learning, vocational preparation and selection, increasing independence and autonomy, strong attachment to the peer group, and an increasingly mature personality integration (the "quest for identity"). Although such categories are useful for purposes of discussion, they and subgroupings of characteristics within them are interrelated. Further, in speaking of the modal or normative attributes two facts should be kept in mind. First, almost all behaviors, attitudes, and the like evolve during the transition from childhood to adulthood and even during the adult years, so characteristics show shifting rather than static patterns throughout adolescence. Second, all members of an age cohort, whether children, adolescents, adults, or the elderly are not alike, and variations from the average must be expected.

FDA Rules on When an Imitation Isn't an Imitation

When I use a word, it means just what I choose it to mean—neither more nor less.
—Humpty-Dumpty

Under pressure from food manufacturers who are becoming wondrously adept at producing products that are not what they seem to be, the Food and Drug Administration has essentially abolished the regulation that imitation foods must be labeled "imitation."

The old rule, of course, was rarely, if ever, enforced, as witness the absence of "imitation" on packages containing man-made versions of the "high-price spread." But there it was on the books, bothersome to legal departments that must deal with the vagaries of FDA, and now the agency has obliged with an Orwellian semantic feat that concludes that henceforth, "nutritional inferiority" alone shall determine whether a product is real or imitation. Since off-the-shelf "fortification" is readily available for any concoction, the labeling problem has been dispensed with, leaving the companies only the task of conjuring up names that come close to but do not actually employ the real names. Thus, Miles Laboratories, which markets an all-vegetable protein product that looks and tastes like traditional pork breakfast sausages, is home free with its brand name, "Breakfast Links," subtitled, "Sausage-like flavor; textured protein links."

In the opinion of FDA, which has been pondering the "imitation" issue for several years, the word is a pejorative which repels consumers and, therefore, is not in "the public interest."

What counts, says the FDA, is nutritional content, since "Other factors of comparison, such as taste, texture, origin and cost, are too subjective and uncertain to be appropriate for inclusion in this regulation."

Reaching out for legal precedents, the FDA noted that "There have been several State court cases in the past 10 years holding that a vegetable oil substitute for cream, which looks like, tastes like and is intended to replace cream, is not an 'imitation cream' but rather is a separate and distinct product that should bear its own common or usual name."

Those interested in legal scholarship on the matter are referred by FDA to "Coffee-Rich v. Kansas State Board of Health," supplemented by the earlier cases of "Jam v. United States," and "United States v. Chocolate Chil-Zert."

HEW Drops 119 Committees

The siege mentality that characterizes the Nixon administration can, at least in part, be credited for the abolition of the President's Science Advisory Committee, which Nixon staffers came to regard as a meddlesome group outside their control. Now, the spirit of doing away with formally established outside advisory bodies has spread to HEW, where Secretary Caspar W. Weinberger has been wielding the axe with awesome results.

Weinberger recently announced that he has eliminated 119 of HEW's 392 advisory committees —57 of them at NIH—and that he has asked the Office of Management and Budget to draft legislation for the elimination of 15 others that exist on a statutory basis.

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